

MEMORANDUM

Agenda Item No. 7(C)

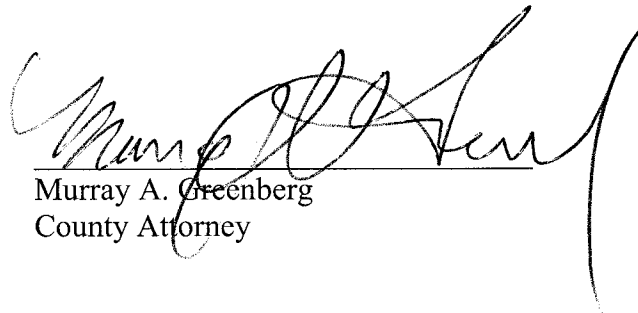
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to
zoning; authorizing
multiple-family housing
developments on certain
properties zoned RU-3

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: November 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance pertaining to zoning; modifying Sections 33-49 and 33-203 and creating Sections 203.1 and 203.2 of the Code of Miami-Dade County, Florida; authorizing multiple-family housing developments on certain properties zoned RU-3; providing administrative site plan criteria and review procedures for such developments

This ordinance pertaining to zoning, modifying Sections 33-49 and 33-203 and creating Sections 203.1 and 203.2 of the Code of Miami-Dade County, does not have a fiscal impact on Miami-Dade County.

Implementation of this ordinance authorizes multiple-family housing developments on certain properties zoned RU-3 where previously this type of housing was not permitted, and provides administrative site plan criteria and review procedures for such developments.

A handwritten signature in black ink, appearing to read "Bill Johnson", written over the printed name of the Assistant County Manager.

Assistant County Manager

fiscal08305



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 1, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(c)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)
11-01-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING;
MODIFYING SECTIONS 33-49 AND 33-203 AND
CREATING SECTIONS 203.1 AND 203.2 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA
("CODE"); AUTHORIZING MULTIPLE-FAMILY
HOUSING DEVELOPMENTS ON CERTAIN
PROPERTIES ZONED RU-3; PROVIDING
ADMINISTRATIVE SITE PLAN CRITERIA AND
REVIEW PROCEDURES FOR SUCH
DEVELOPMENTS; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE AND AN EFFECTIVE
DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-49 of the Code of Miami-Dade County, Florida, is hereby
amended as follows:¹

<i>District</i>	<i>Families</i>	<i>Min. Width</i>	<i>Min. Lot Area (Sq. Ft.)</i>	<i>Max. Lot Coverage (% of Lot Area)</i>	<i>Min. Bldg. Size (Cu. Ft.)</i>
	*	*	*	*	
RU-3	1	Same as single family residence in RU-2 district.			
	2 singles	Same as two single family residences in RU-2 district.			
	Duplex	Same as duplex in RU-2 district			
	3 or 4 unit	75'	7,500	40%	7,500
	>>Multi-family housing development	100'	2 acres net lot area	30%<<	
	*	*	*	*	

¹ / Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 33-203 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 33-203 Uses permitted.

No land, body of water and/or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, reconstructed, or moved or structurally altered or maintained for any purpose in an RU-3 district unless otherwise provided herein, except for one (1) of the following uses:

- (1) Every use permitted in RU-1, RU-1M(a), RU-1M(b) and RU-2 Districts.

* * *

- (6) >>Except as provided in (6.1) below, n<< [[N]]ot more than four (4) families shall occupy a building in an RU-3 District.

>>(6.1) Multiple family housing developments. Multiple family housing developments on sites zoned RU-3 prior to the effective date of this ordinance shall be permitted only after staff review of the site plan to insure compliance with (i) the following, and (ii) with the site plan review criteria contained within Section 33-203.7 of this code, except that interior side setbacks and spacing requirements shall not apply.

(a) Housing types and building facades. The development shall contain either a minimum of 3 housing types, or where a single housing type is proposed, the model plans shall include a minimum of 4 different building facades.

(b) Minimum lot area. The minimum size of the site to be developed shall be 2 net acres.

(c) Lot coverage. The maximum area covered by all buildings on the site shall be 30% of the site, including accessory buildings.

(d) Setback requirements. The setbacks shall be as follows:

- (1) Minimum setback from front property line shall be 25 feet.
- (2) Minimum setback from interior side property line shall be 20 feet.
- (3) Minimum setback from side street property line shall be 25 feet.

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- (4) Minimum setback from rear property line shall be 25 feet.
- (5) Minimum spacing between buildings shall be 20 feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building or a wall of another building on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance shall be measured on a line projected at right angles at the opening to the opposite wall. Cantilevers and open porches may project from the building wall into the required open space of the courtyard only not more than 4 feet and that stairways may project from the building wall in to the required open space of the courtyard only not more than 7½ feet. When located in the required open space of the courtyard, stairways shall be supported by the necessary columns only; support by a wall is strictly prohibited.
- (6) Minimum setbacks for accessory buildings shall conform to the same requirements as provided for accessory buildings in the RU-1 District.
- (e) Height. No building or structure, or part thereof shall be erected or altered to a height exceeding 3 stories, and shall not exceed 40 feet.
- (f) Floor area ration (FAR). The floor area ratio shall not exceed the following:
- | <u>Height of Building</u> | <u>Maximum FAR</u> |
|---------------------------|--------------------|
| <u>1-story</u> | <u>0.30</u> |
| <u>2-story</u> | <u>0.50</u> |
| <u>3-story</u> | <u>0.75</u> |
- (g) Maximum number of dwelling units. The maximum number of dwelling units shall be 23 dwelling units per net acre.
- (h) Open space. On each site there shall be provided an open space equal to at least 25 percent of the net lot area; said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and

shrubbery. Areas used as (i) pedestrian walks and (ii) the throat of ingress and egress drives consisting of the first 25 feet of said ingress and egress drives shall be accredited towards open space requirements.

- (i) Parking. Parking shall be provided in accord with Article VII of this code. Attached individual garages shall not be credited towards parking requirements. Accessory structures shown on the plan as covered parking areas shall not be enclosed for non-parking purposes. This requirement shall be acknowledged in the form of a recordable declaration of restrictive covenant which shall be provided for each multiple family housing development constructed in accordance with the provisions of the subsection.
- (j) Trees. Landscaping and trees shall meet or exceed the minimum requirements provided in Chapter 18A of this code.
- (k) Enclosed community prohibited. The walling off of the community from arterial roadways shall be prohibited. Entrance features which control ingress and egress shall be prohibited. Relief from this requirement may only be permitted pursuant to the standards and requirements of section 33-311(A)(4)(a) of this code.<<

Section 3. Sections 33-203.1 through 33-203.5 of the Code of Miami-Dade County, Florida, are hereby amended as follows:

[[Sec. 33-203.1 — 33-203.5 . Reserved.]]

>>Sec. 33-203.1. Site plan review.

Multi-family housing developments, as permitted by Section 33-203 (6.1) of this code, shall be subject to administrative site plan review as specified herein. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and thereby ensure the congruity of the proposed development and its compatibility with the surrounding area. The Department shall review proposed plans for compliance with zoning regulations and for compliance with the site plan review criteria. All plans submitted to the Department shall be reviewed and approved or denied within 30 days from the date of submission. The applicant shall have the right to extend the 30 day period by an additional 30 days upon timely request made in writing to the Department. The Department shall have the right to extend the 30 day period by written notice

to the applicant that additional information is needed to process the site plan. Denials shall be in writing and shall specifically set forth the grounds for denial. Decisions of the Director may be appealed to the appropriate Community Zoning Appeals Board in accordance with procedure established for appeals of administrative decisions.

Procedure. Exhibits prepared by design professionals such as architects and landscape architects shall be submitted to the Department and shall include, but not be limited to, the following:

- (1) Site plan including the following information:
 - (a) Lot lines and setbacks.
 - (b) Location, shape, size and height of existing and proposed buildings, decorative walls and entrance features.
 - (c) Landscaping in accordance with Chapter 18A of this code.
 - (d) Location of off-street parking and loading facilities and waste collection areas.
 - (e) Indication of exterior graphics, as required.
 - (f) Indication of any site design methods used to conserve energy.
- (2) Floor plans and elevations of all structures, including total gross square foot area of each floor.
- (3) Figures indicating the following:
 - (a) Gross and net acreage.
 - (b) Amount of landscaped open space in square feet required and provided.
 - (c) Amount of building coverage at ground level in square feet.
 - (d) Total trees required and provided in accordance with Chapter 18A of this code.
 - (e) Parking required and provided.
 - (f) Total amount of paved area in square feet.
 - (g) Such other design data as may be needed to evaluate the project.

Sec. 33-203.2. Site plan review criteria.

The following criteria shall apply in the plan review process for multi-family housing developments permitted by Section 33-203 (6.1) of this code:

Purpose and intent: The proposed development authorized herein shall promote urban design, connectivity and walkability. The site plan shall foster high quality public space within the development through the use of urban design principles.

Planning studies: Design, planning studies or neighborhood area studies approved by the Board of County Commissioners that include development patterns or environmental design criteria which would apply to the development proposal under review shall be utilized in the plan review process.

Landscape: Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.

Buffers: Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

Scale: Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.

Circulation: Pedestrian, bicycle and motor vehicle circulation shall be separated insofar as is practicable and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development. Gates which control ingress/egress to the development shall be prohibited.

Energy consideration: Site design methods to reduce energy consumption shall be encouraged. Site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

Parking areas: In addition to the requirements of the landscape regulation of the code, building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. .

Open spaces: Open space shall relate to natural characteristics in such a way so as to preserve an enhance their scenic and functional qualities.

Recreational amenities: Recreational amenities such as swimming pools, athletic courts and fields, jogging and bicycle paths, community buildings, and the like,

shall be included within the development to meet the needs of the residents and designed as an integral part of the overall design of the development.

Graphics: Graphics, as required, shall be designated as an integral part of the overall design of the development.

Art display: Permanent interior and exterior art displays and water features shall be encouraged in the overall design of the development.

Visual screening for decorative walls: In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

(a) Wall with landscaping. The wall shall be setback 2 ½ feet from the right-of way line. The resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The landscape buffer shall contain one or more of the following planting materials:

(1) Shrubs. Shrubs shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.

(2) Hedges. Hedges shall be a minimum of 3 feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within 1 year after time of planting.

(3) Vines: Climbing vines shall be a minimum of 36 inches in heights immediately after planting.

(4) Metal picket fence. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

Secs. 33-203.3 – 33-203.5 . Reserved.<<

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Joni Armstrong Coffey/Craig H. Collier

Sponsored by Commissioner Dorrin D. Rolle